The Differential Impact of Single-Member and At-Large Voting Districts on Local Democracy: New Tests and Evidence[*]

Carolyn Abott[†]
Asya Magazinnik[‡]

May 29, 2017

Abstract

In many local elections throughout the United States, multiple candidates can compete for and win the same public office ("at-large districts"). This is in contrast to the classic majoritarian electoral scheme in which one candidate is chosen to represent a single geographical subunit ("single-member districts"). Although at-large voting systems have historically been used to suppress minority representation, as a bare majority of a district can dictate the composition of the entire governing body, scholars remain divided over the contemporary implications for the interests of underrepresented groups. A recent wave of litigation against school districts with at-large elections under California's 2001 Voting Rights Act (CVRA) provides a unique opportunity to identify the causal effects of at-large versus single-member districts on local representation and accountability. Taking advantage of a rich new dataset on school district elections, local voter participation, and school finance and educational achievement outcomes, we find that exogenous variation in the way in which school board members are elected exerts a strong influence over descriptive representation, while the link between voting rules and substantive representation remains unclear.

1 Introduction

Free and fair elections are the very essence of modern democracy. The way in which this exercise of popular will is translated into governance is no less important. While the United States' track record on this issue vis-à-vis non-white and non-male Americans has been egregious for much of its history, the past half century has seen a number of attempts to correct historical political inequities. One example of these reforms to the electoral-representation link has been the elimination of at-large voting districts where it has been often claimed that the minority vote is diluted by majority interests voting as a bloc across the entire district. If minorities tend to be segregated into specific portions of a district, as they have been historically, switching to a system in which individual portions or wards of the district elect their own representative can serve to increase the voice of the minority voter.

The empirical effect of switching from at-large to single-member electoral schemes, however, has been debated in the political science literature for decades. For instance, while some work has found that single-member district elections for local school boards result in greater representation for Latino voters (Molina Jr. & Meier 2016; Meier *et al.* 2005; Leal *et al.* 2004), other work has found no effect (Welch 1990). The documented effects of single-member districts on black representation are similar, with recent research actually uncovering a negative association between single-member elections and minority electoral success (Meier & Rutherford 2014). While a great deal of scholarly attention has been devoted to the subject of at-large versus single-member representation, no study in this literature has produced convincing causal estimates of the differential impacts of the two systems. Even after controlling for covariates, crucial unobserved differences remain between areas with long histories under each rule, and those that choose to switch to single-member districts are fundamentally different from those that do not. We correct this shortcoming by taking advantage of a wave of litigation filed under California's Voting Rights Act (CVRA) directed at a number school districts with at-large elections. This litigation not only compelled those targeted districts to switch to single-member elections but also had the effect of encouraging other nearby school districts to do so voluntarily. By leveraging this exogenous variation in voting rules and utilizing a rich new dataset on school district elections compiled by the Education Governance and Accountability Project at The Ohio State University we are able to confidently isolate the causal effect of single-member electoral districts on descriptive and substantive minority representation.

It has become increasingly important that we understand the causal impact of at-large versus single-member districts on representation – not only as a matter of theoretical interest, but also because it has recently become a focus of the energies of civil rights groups aiming to amplify the voice of minorities in

local politics. At the time the CVRA was passed in 2001, 88% of California's school board elections were held at large; around the country, governing bodies elected at large make decisions about how schools are funded, where roads are built, and how water and sanitation services are delivered; they determine housing, economic development, transportation, and urban planning policies that profoundly affect their constituents' daily lives. If extending participation in these decisions to disadvantaged groups is just a matter of changing how votes are aggregated – a relatively simple, low-cost reform – then it is essential to equal rights that we do so; on the other hand, if this institutional feature has no bearing on minority representation, civil rights advocates should turn their energies – and the attention of the courts – to a different arena.

The present study makes two key contributions to the study of how electoral structures shape political outcomes, and specifically how minority interests are represented under at-large and single-member systems. First, it employs a novel research design based on litigation under the CVRA to identify plausibly causal effects of the electoral rule rather than simply comparing districts that use different voting systems. Second, we take a broader view than previous studies that have mainly focused on descriptive representation. Although we begin by assessing the impact of voting rules on the ethnic composition of school boards, our rich new dataset also allows us to explore whether substantive representation is responsive to electoral institutions, as measured by district-level educational performance data that indicate whether students have experienced tangible improvements in the years after a rule change.

The reforms to at-large voting in local California elections appear to be well-intentioned across the board and genuinely considered effective by advocates (Gobalet & Lapkoff 1991), and our results support these sentiments by documenting a strong causal relationship between single-member voting districts and minority representation. While there are a number of reasons for why the CVRA should *not* be effective in increasing minority representation, including the likelihood that the earlier federal Voting Rights Act picked off all of the low-hanging fruit before the CVRA was passed – forcing school districts with the most egregious demonstrations of racially polarized voting and housing segregation to switch to single-member voting districts – we nevertheless find strong evidence to suggest that electoral reform is still effective, even in the 21st century, in strengthening the political voice of minorities in local government.

2   Background

In 1985, three Mexican-Americans filed suit against the city of Watsonville, California, alleging that its practice of electing city council members at large hindered the representation of its Latino residents and violated the Voting Rights Act of 1965. According to the 1980 Census, people of Hispanic or Latino origin comprised 49% of Watsonville's total population and 37% of its citizens, but no Hispanic or Latino had

2

ever been elected mayor or to a city council position prior to the trial; eight Hispanic candidates had run unsuccessfully for city council positions from 1971 to 1985, and one had run for mayor in 1979 (Leagle n.d.).

The plaintiffs in *Gomez v. City of Watsonville* were petitioning to replace the city's at-large electoral system, in which the entire constituency voted on every seat in the governing body (also called "multimember districts"), with single-member districts (also called a "trustee-area" system) whereby the constituency would be carved into smaller geographical subunits and able to individually elect its own representative. There are clear reasons to expect that minority candidates will perform better in trustee-area versus at-large elections. If voting is racially polarized — that is, if voters are more likely to elect representatives from their own racial group — and if minorities live in concentrated areas, then majority-minority districts may be constructed to ensure that their preferred candidates are elected to the governing body. Even politically disadvantaged groups that are geographically dispersed and cannot be packed into a contiguous space may benefit from the kind of politics that characterizes single-member district elections: to win the support of a subunit rather than the entire constituency, candidates for local office need not be well-resourced or politically connected if they are successful at mobilizing their communities and knocking on doors (Fleming n.d.).

In practice, at-large systems have a mixed record of democratic representation. They have been used as a tactic to dilute Black voting power under Jim Crow, but also as a measure to curb corruption and weaken local political machines during the Progressive Era (and to weaken the poor and immigrant population's political control). A sizable academic literature attempting to quantify the differential impacts of the two systems has failed to arrive at a consensus. Several studies have found that Blacks are more likely to be elected in single-member districts than at large (Davidson & Korbel 1981; Engstrom & McDonald 1981; Karnig & Welch 1982; Lublin 1999; Marschall & Ruhil 2006; Moncrief & Thompson 1992; Polinard 1994; Robinson & England 1981; Trounstine & Valdini 2008), though only one, to our knowledge, has documented the effect of a change within the same district (Davidson & Korbel 1981). This is at least partly due to a lack of available data. Others have found no evidence of a detrimental effect of at-large elections (MacManus 1978; Cole 1974; Fraga 2009), and a third set has argued that, while such an effect may have existed in the past, it has diminished over time because the subset of places where at-large elections were being used to suppress minority representation has already been targeted by the Justice Department and eliminated from the sample, and because successful minority candidates have adapted to the realities of at-large elections (Sass 1995; Welch 1990). A recent study even concludes that at-large elections help African-American candidates get elected to school boards in majority-Democratic counties (Meier & Rutherford 2014), though the mechanism is not well understood.

Legal Context: From *Thornburg v. Gingles* **to the CVRA**

The district court that first heard the Watsonville case in 1987 ruled in favor of the city, finding that while voting was polarized along racial lines, the Latino population was neither politically cohesive nor geographically compact enough to reasonably expect that outcomes would be different under an alternative districting scheme. At that point, the legal standard for evaluating claims of vote dilution in multimember districts had been set by *Thornburg v. Gingles*, a 1986 Supreme Court case involving a challenge to a redistricting plan adopted by the North Carolina General Assembly under Section 2 of the federal Voting Rights Act. The ruling of the Court reduced the long list of "typical" but not conclusive factors that had previously been considered in such cases to a simple three-pronged test. First, said the ruling, a plaintiff challenging a multimember districting plan under Section 2 must demonstrate that the group in question is "sufficiently large and geographically compact to constitute a majority in a single-member district" (*Thornburg v. Gingles* 1986), because unless that is the case, the districting plan cannot reasonably be responsible for any barriers to equal participation. Second, the minority group must be "politically cohesive" – that is, its interests must be somehow distinct from those of the majority, or else it cannot be said that they have been thwarted. Third, plaintiffs have to demonstrate that "the white majority votes sufficiently as a bloc" to enable it to defeat the minority – that is, they must establish a causal link between the multimember district structure and the structural inability of the minority group to elect its chosen representatives. Applying this standard, the district court in *Gomez v. Watsonville* found that Latinos failed to meet the geographical compactness and political cohesion tests, so it ruled in favor of the city and awarded to it all costs and attorneys' fees.

The defendants appealed, and the district court's ruling was ultimately reversed "because of its legal misunderstandings and erroneous findings of insufficient geographical insularity and political cohesiveness" (*Thornburg v. Gingles* 1986). The U.S. Court of Appeals ruled that "based on the totality of the circumstances, the at-large scheme of mayoral and city council elections in Watsonville impermissibly dilutes the voting strength of Hispanics," and remanded to the lower courts the implementation of a new plan that would satisfy Section 2. Even so, plaintiffs in California and around the country continued having trouble bringing voting rights cases because of the compactness and cohesiveness requirements. Then, in 2001, the California legislature passed its own, stronger version of the Voting Rights Act, eliminating these requirements altogether and thereby setting a much lower bar for petitioners to demonstrate minority vote dilution under at-large electoral systems in the state. Under the CVRA, the sole requirement that constitutes grounds for conversion from at-large to single-member districts is evidence of "racially polarized voting" – essentially, that voting patterns correlate with the race of the candidate and the voter. Moreover, the CVRA mandated

that all legal costs in these cases be shouldered by the defendant, even if the parties settle before going to court.

The first case to be brought under the CVRA was *Gomez v. Hanford Joint Union School District*, which settled out of court but resulted in the district having to pay $110,000 in legal fees. Then came *Sanchez v. City of Modesto*, which bounced around the courts before settling and cost the city over $3 million in legal fees. The first case to be decided by a judge was *Rey v. Madera Unified School District* in 2008, and the ruling was also in the plaintiff's favor. These early victories made clear to civil rights advocates across the state that the CVRA was a powerful, low-cost tool for calling attention to and potentially redressing shortfalls in Latino representation on California's school boards and city councils. If a case went all the way to trial, the low standard set by the CVRA almost assured that the plaintiff would win; even if it settled, the prospect of shouldering the legal fees was enough to make many school districts immediately convert at the mere threat of legal action.

The vulnerability of cash-strapped school districts to costly legal action meant that the CVRA's reach extended far beyond what was taking place in the courts. Legal advocacy groups such as the Mexican-American Legal Defense Fund (MALDEF), the San Francisco Bay Area chapter of the Lawyers' Committee for Civil Rights (LCCR), and local chapters of the American Civil Liberties Union (ACLU) became active in both filing lawsuits and sending threat letters to multimember districts with large Latino populations but poor Latino representation.[1] Many districts proactively consulted attorneys, who told them that "the only safe harbor" is to shift to trustee-area elections.[2] Those that did not want to wait to be contacted by a lawyer either put the decision to convert to a popular vote in the district - the legally mandated procedure - or appealed to higher authorities for permission to bypass this process.[3] Most preferred the latter route, not wanting to risk the measure being defeated in a way that would deliver to potential plaintiffs their "Exhibit A" of racially polarized voting in the district.[4] The state Board of Education even offered a streamlined procedure for doing so in the form of waivers to the sections of the California Education Code that required changes to the election method to be approved by districtwide elections.[5] Overall, between 2001 and 2016, 21 lawsuits were filed under the CVRA (4 of them against school districts);[6] 23 converted after receiving a legal threat; and 75 converted voluntarily, either by districtwide vote or by waiver.

---

[1] An example of a threat letter is provided in the Appendix.

[2] Peter Fagen, a partner in Fagen, Friedman, & Fulfrost, a Los Angeles-based firm that provided legal counsel to over half of the school districts in the state. Quoted in "Districts Abandoning At-Large Elections," *Education Week*, http://www.edweek.org/ew/articles/2013/02/27/22schoolboards_ep.h32.html.

[3] An example of a school board resolution appealing to the county districting authority is provided in the Appendix.

[4] Conversation with a source centrally involved in CVRA litigation.

[5] An example of a waiver is provided in the Appendix.

[6] Lawyers' Committee on Civil Rights Fact Sheet, https://www.lccr.com/wp-content/uploads/2014_CVRA_Fact_Sheet.pdf.

3 Identifying the Causal Effects of Single-Member Districts on Latino Representation

Litigation under the CVRA, according to one of the prominent attorneys involved in these cases, has heralded "a quiet revolution" with the potential to transform "the literal face of California politics."[7] Yet, describing the plaintiff in *Lopez v. Madera Unified*, the Los Angeles Times writes,

> You would never mistake Jesse Lopez Jr. for a revolutionary. Soft-spoken, with a shy smile beneath his gray mustache, the retired school custodian and amateur mariachi singer hardly seems like an instigator. Yet if Latinos come to dominate California politics someday, Lopez will have helped make it happen.[8]

This description is not accidental. While plaintiffs in early cases like Watsonville exercised the initiative in bringing districts to court, after the passage of CVRA it was organizations like the LCCR – which has represented the plaintiffs in almost all post-2001 litigation – and MALDEF that have initiated legal action. Rather than plaintiffs approaching lawyers, lawyers have recruited plaintiffs in districts that their organizations have identified as good candidates for litigation.

To gain a better understanding of the selection process into conversion to single-member districts, we spoke to a lawyer who was involved in a large number of the cases tried under the CVRA. He described the process as follows. First, his organization identified all of the at-large districts across the state where there was a misalignment between the size of the Latino population and representation: as a rule of thumb, places that were at least 30% Latino but had fewer than one out of five Latino board members. Next, his associates would arrange meetings with local organizations within these districts to inform the communities that their representatives were elected at-large, and to explain how this system might make it more difficult for minority candidates to get into office. They would ask whether community members felt that minority interests could be better represented in local government, and whether they thought their districts would benefit from single-member representation; invariably, the answer was yes.[9] The organization also hired statistical consultants to assess whether there was evidence of "racial polarization" in the selected districts, but given the low standard set by the CVRA and the demographic realities on the ground, this step did not eliminate any candidates.

---

[7] Robert Rubin, an attorney with the Lawyers' Committee for Civil Rights. Quoted in "Districts Abandoning At-Large Elections," *Education Week*, `http://www.edweek.org/ew/articles/2013/02/27/22schoolboards_ep.h32.html`.

[8] *Los Angeles Times*, "Madera Unified case is changing elections throughout California," `http://articles.latimes.com/2009/jan/04/local/me-madera4`.

[9] One community member recounted how the city council decided to build a sewer that ran directly through the Latino part of the district, and at some point it started leaking into the ground; unsurprisingly, no members of the board lived in this part of the district.

It is the next step - identifying someone willing to act as the petitioner - that is the most difficult, according to the attorney involved in the cases, because "you're asking a member of a disenfranchised community to fight the establishment." Usually, it would be an older person, likely a retiree, who does not work for the city and "has less to lose." On occasion, plaintiffs experienced threats and intimidation from their communities, and, to be sure, those who were nonetheless willing to move forward do not represent a random sample of *individuals*; importantly, however, the ability of civil rights lawyers to identify such people with limited time and resources was not systematically related to the *district-level* outcomes in which we are interested: Latino electoral participation and performance or student performance. Our contact described the communities he represented as ranging very widely in "political sophistication." Sometimes, he said, they were not "ready" for a legal victory: though they would win the case, "they were not sufficiently organized to put up any candidate, or, worse yet, they put up a bad one."

In short, we can characterize the selection process as follows (Figure 1). Selection into the pool of potential litigants is perfectly observable: we know the organization's rule of thumb for identifying districts, and have obtained the spreadsheet of Latino population and school board representation data that was used for this express purpose. Conditional on having a petitioner, selection into conversion is deterministic - to date, no case has lost under the CVRA. It is the step in the middle - randomness in the plaintiff recruitment process and in the timing of legal action - that we exploit to get causal identification.

Specifically, our knowledge of the CVRA conversion process yields at least three identification strategies. First, under the assumption that districts with legal cases or threats represent a random sample of the pool of potential litigants, a linear regression within this larger sample with year and either county or school district fixed effects yields plausibly causal estimates of the effect of conversion. We estimate the model:

$$Y_{it} = \alpha_0 + \beta_1 singleleg_{it} * prophisp_{it} + \beta_2 singlevol_{it} * prophisp_{it} + \gamma \mathbf{X}_{it} + \eta_i + \rho_t + \varepsilon_{it}$$

where Y is a political or educational outcome measured at the district-year level; *singleleg* is a binary identifier for districts (i) that have single-member elections in year t, and had been forced to convert to that system by legal action (lawsuit or other legal threat); *singlevol* is a binary identifier for districts with single-member elections that converted to that system voluntarily (by vote or waiver); *prophisp* is the proportion of Hispanic students enrolled in the school district; $\mathbf{X}$ is a vector of additional district-level demographic and education-related controls; η is a county or district fixed effect; and ρ is a year fixed effect. We also conduct the analysis by restricting the sample to just those districts that would eventually be forced to convert by legal action (by 2016). We therefore assume that threats filed later are no different on the merits than those brought earlier, and leverage the variation in timing to get maximally comparable control units for districts

Figure 1: Process of conversion from at-large to single-member districts under the CVRA
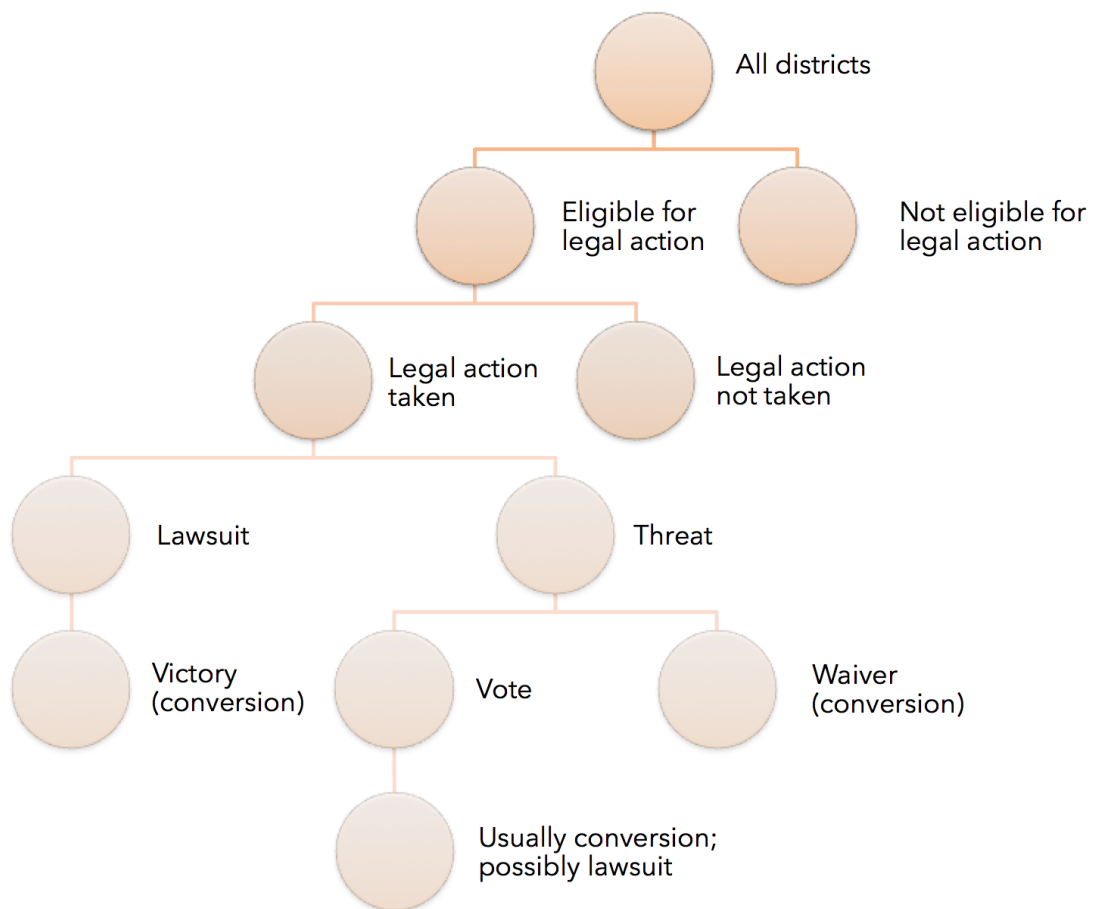
that forcibly converted.

Next, we employ two matching strategies using a set of lagged demographic and education finance co-variates to eliminate any lingering sources of selection bias. First, we take the sample of litigation-eligible districts (30% or more Latino with less than 20% Latino school boards) and match those that had been forced to convert to single-member systems at any point over the study period of 2001 to 2016 to those that remained at-large, within year. In our first analysis, we again exclude districts that converted voluntarily (by vote or waiver), and those that were always single-member over the sample period. In our second analysis we include those districts that chose to convert to by-trustee elections voluntarily. As in the fixed effects regression, identification of a causal effect under these approaches relies on being able to control for any important differences between at-large and single-member districts. We believe this to be a reasonable assumption and justifiable approach given our rich set of covariates and the highly random selection process into treatment.

As a third identification strategy, we employ an instrumental variables approach motivated by a media report describing how some districts chose to convert to single-member systems after hearing about litigation in a neighboring school district:

> Other jurisdictions are paying heed. In the wake of Oakley's order, the Madera City Council decided to switch to district elections, City Councilman Robert Poythress said. And in neighboring Fresno County, where 28 of 32 school boards use at-large elections, all 28 decided to follow Madera's lead and switch to district elections, county schools Supt. Larry Powell said.
>
> "I've had no chafing on the part of anybody," he said. "They said, 'It's the right thing to do. Let's do it.'"[10]

Litigation nearby, it seems, has served as an exogenous shock to some districts that were either amenable to reform or fearful of costly litigation, but were unaware of the potential problems with at-large representation, lacked the political will to restructure their elections, or did not know of the legal threat the CVRA posed. In this analysis, the treatment is voluntary conversion to single-member districts, with litigation or other legal action in the same county acting as a binary instrument.

Data

School board election data comes from the Education Governance and Accountability Project at The Ohio State University while educational outcomes are drawn from the California Department of Education. Public finance data was provided by the California Department of Education and the Census. Although

---

[10] *Los Angeles Times*, "Madera Unified case is changing elections throughout California,"

`http://articles.latimes.com/2009/jan/04/local/me-madera4`.

our election data can tell us whether each race was single-member or multi-member,[11] we have constructed our own panel tracking every district's electoral system from 2001 to 2016, including the method by which the district switched (legal coercion or voluntary conversion). These data were constructed from media reports, online research, and records of waiver requests from the California Department of Education. We cross-checked and supplemented these records with data provided to us by the Lawyers' Committee on Civil Rights, which has independently tracked this outcome for its own work. In most cases, our records agreed; in a few cases, the date of a switch differed by one or two years, in which case we took the latter date.

We begin our analysis with three outcomes relating to descriptive representation. The first variable measures the number of school board candidates with Latino last names[12] who won office, relative to the number of vacant seats in the district in a given year. The second outcome variable summarizes the extent of political participation by and the availability of Latino candidates in school board elections. This is measured by the proportion of Latino candidates relative to the number of seats up for election in a school district in a given year, capped at 1. The construction of the indicator in this way allows us to know how many school board seats Latino candidates could *possibly* win, *given how many ran for office.* For example, if two Latino candidates ran in an at-large election in which three seats were vacant, no more than two-thirds of the school district's seats could be filled by Latinos. If, on the other hand, there were two different single-member elections in a school district in a given year, and at least one Latino ran in one of them but not the other, no more than one-half of the district's school board seats could possibly be filled by Latinos. Lastly, the third descriptive representation outcome we utilize is the vote share received by candidates with Latino last names in each election, averaged across all races within a district-year. Descriptive statistics of these variables are contained in the appendix.

Results

Fixed Effects

Our first identification strategy leverages the random nature of assignment of a school district-year to the treatment of being legally threatened and forcibly converted into a trustee-area voting district from an at-

---

[11]Whether a race is single-member or multi-member does not, technically, indicate whether an election was conducted at large or on a trustee-area or ward basis. It is possible to have at-large races with only one seat up for election in a given year and, alternatively, for there to be multiple seats vacant in a ward-based election. The latter, however, is very rare in California school board elections (and may possibly be a result of measurement error) and were removed from the sample.

[12]Our election data only gives us names, not ethnicities, of candidates, so we identified Latinos using the `wru` package in `R` (Imai and Khanna 2016). This package employs a Bayesian prediction procedure that uses data from the U.S. Census to compute the probabilities that a person is of a given ethnicity, given his last name and geolocation at the county level. We used high probabilities of Latino origin as a starting point, then manually recoded a few records that seemed to be misclassified; overall, probably due to residential patterns in California and the distinctiveness of Latino last names, the package seemed to perform extremely well. To the extent that we misclassified any people with Latino-sounding last names who are not of Latino origin, this should simply introduce some random noise on the dependent variable.

large voting district, as required by the California Voting Rights Act. We additionally control for a number of factors that might influence the success or failure of Latino political participation, including the proportion of students who are receiving Free and Reduced Price Lunch, the amount and sources of scaled revenue for the school, the partisanship of the district,[13], and the racial composition of enrolled students. Following much of the literature on this topic, we interact our treatment variable with the proportion of Latino students currently enrolled in the school district;[14] in this way we can determine not only whether single-member districts serve to increase or decrease minority political participation and representation across the board but also whether they are better or worse at fostering representation of their individual constituencies. We also split the sample into minority-only districts (i.e., where the proportion of Latino students is less than 50%) based on the idea that moving from at-large to single-member districts will serve to benefit ethnic non-minority minorities (i.e., whites living in a majority Latino ward) rather than ethnic minorities.

Table 1: Effect of by-trustee elections on proportion of vacant board seats won by Latinos

	Full data	< 50% Latino	Targeted districts
	(1)	(2)	(3)
By-trustee, legal conversion	-0.464**	-0.216	-0.861*
	(0.224)	(0.389)	(0.472)
By-trustee, voluntary conversion	0.009	-0.004	
	(0.042)	(0.041)	
Proportion of students who are Latino	0.486***	0.204***	1.245
	(0.044)	(0.062)	(0.964)
Legal conversion * Latino students	0.776*	0.200	1.510*
	(0.407)	(0.871)	(0.792)
Voluntary conversion * Latino students	-0.002	0.066	
	(0.084)	(0.137)	
Unit FE	County	County	School District
Year FE	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Observations	2,435	1,472	79
R^2	0.405	0.052	0.133

Table 1: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported. *p<0.1; **p<0.05; ***p<0.01

Forced conversion to trustee-area voting systems do not, according to the fixed effects regressions pre-

[13] Vlad Kogan kindly provided data on 2008 Democratic presidential voteshare across California school districts.

[14] Though the literature typically uses overall Latino population, data limitations would force us to use a time-invariant variable. (This is not typically a problem for other studies as fixed effects are rarely used). Average Latino enrollment rates across years within school districts has a 0.97 ($p < 0.000$) correlation with our time-invariant measure of Latino population.

sented in Table 1, appear to have a any sort of statistically significant relationship to the percentage of school board seats won by Latino candidates. In the first model, the combination of the effect of legal conversion and the interaction between legal conversion and proportion of Latino students is statistically indistinguishable from zero across the full range of student enrollment. In the second model where we limited our analysis to districts in which Latinos comprise less than half of students, no variables other than the sheer population of Latinos matter to the likelihood of winning school board seats. In the last model, where we restrict our sample to only those districts that were eventually targeted by civil rights groups, we again find that legal conversion has no statistical impact on Latino electoral success when taking into account both the intercept and slope effects. Tables 2 and 3 depict the results of analyses of the proportion of school board seats that could possibly be won by Latinos, given their pattern of candidacy participation, and the average share of votes received by Latino candidates across elections, respectively. The findings are as equally disappointing as of those in Table 1. We improve upon these analyses in the following two sections.

Table 2: Effect of by-trustee elections on frequency of Latino candidacies relative to vacant board seats

	Full data	< 50% Latino	Targeted districts
	(1)	(2)	(3)
By-trustee, legal conversion	-0.046	1.84	-0.864*
	(0.355)	(1.160)	(0.508)
By-trustee, voluntary conversion	-0.035	-0.019	
	(0.047)	(0.051)	
Proportion of students who are Latino	0.784***	0.398***	3.127*
	(0.051)	(0.095)	(1.657)
Legal conversion * Latino students	0.173	-4.369*	1.737**
	(0.561)	(2.474)	(0.831)
Voluntary conversion * Latino students	-0.102	0.103	
	(0.078)	(0.203)	
Unit FE	County	County	School District
Year FE	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Observations	2,441	1,477	79
R^2	0.405	0.094	0.171

Table 2: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.
*p<0.1; **p<0.05; ***p<0.01

Table 3: Effect of by-trustee elections on Latino voteshare

	Full data	< 50% Latino	Targeted districts
	(1)	(2)	(3)
By-trustee, legal conversion	-0.200	0.629	-0.718**
	(0.235)	(0.438)	(0.351)
By-trustee, voluntary conversion	-0.013	-0.019	
	(0.032)	(0.027)	
Proportion of students who are Latino	0.496***	0.214***	1.717***
	(0.036)	(0.051)	(0.634)
Legal conversion * Latino students	0.347	-1.615*	1.298**
	(0.407)	(0.961)	(0.575)
Voluntary conversion * Latino students	0.052	0.096	
	(0.064)	(0.101)	
Unit FE	County	County	School District
Year FE	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Observations	2,440	1,476	79
R^2	0.534	0.100	0.133

Table 3: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.
*p<0.1; **p<0.05; ***p<0.01

Matching

Balance checks

Before proceeding to the main analysis, we probe our assumption that districts that were threatened with litigation represent a random sample of all districts identified as candidates for legal action based on their Latino population and underrepresentation on the school board. While we have qualitative evidence from our interviews with Robert Rubin[15] that this was the case, we find even more compelling empirical support for this claim in Figure 2, which compares districts that would eventually switch by legal threat to those that were never threatened over the study period but were in the identified as eligible under the CVRA in the years before the treatment group was treated - that is, when they all still had at-large systems. We define the eligible pool throughout our analyses as districts with over 30% Latino populations[16] but with less than 20% Latino school board members, in accordance with the data we obtained from Rubin.

The results show a striking similarity between treated and control observations across a number of pre-treatment outcomes.[17] In Figure 2, we see our three political outcome variables of interest plotted against year by treatment group, with loess curves fitted through the data. These curves and their confidence intervals are perfectly overlapping in every panel, suggesting excellent balance on pre-treatment covariates in the analysis sample, even before matching. Though the confidence bands are relatively wide in these panels, the treatment and control groups do not statistically significantly diverge at any point over the study period. Nevertheless, we match on a host of pre-treatment variables to ensure an accurate comparison of treated and control observations. These variables include the proportion of ELL students, the racial composition of student enrollment, the proportion of students receiving Free and Reduced Price Lunch, the partisanship of the district, and a host of district-level finance variables.

Analysis

We conduct two matching analyses using a large set of political, demographic, and financial covariates. In the first analysis, we are interested in the causal effect of conversion to a trustee system by legal action on political and educational outcomes. This effect is identified under the assumption that lawyers taking action under the CVRA were equally likely to file suit against targeted districts as those that were not targeted but had the same observable characteristics – a claim supported by our qualitative research into the legal process. However, we are also interested in the broader effects of the CVRA: whereas only a few districts

---

[15]The attorney responsible for the vast majority of litigation under the CVRA.

[16]Here we use the population of the district, rather than the population of enrolled students, to make sure we are in line with the criteria established by Rubin.
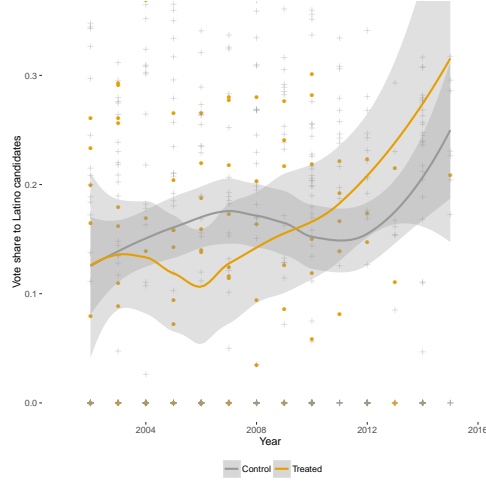
[17]Please see the appendix for additional pre-matching balance figures.

Figure 2: Comparison of Districts with Legal Action to Targeted Districts without Legal Action
Political Outcomes
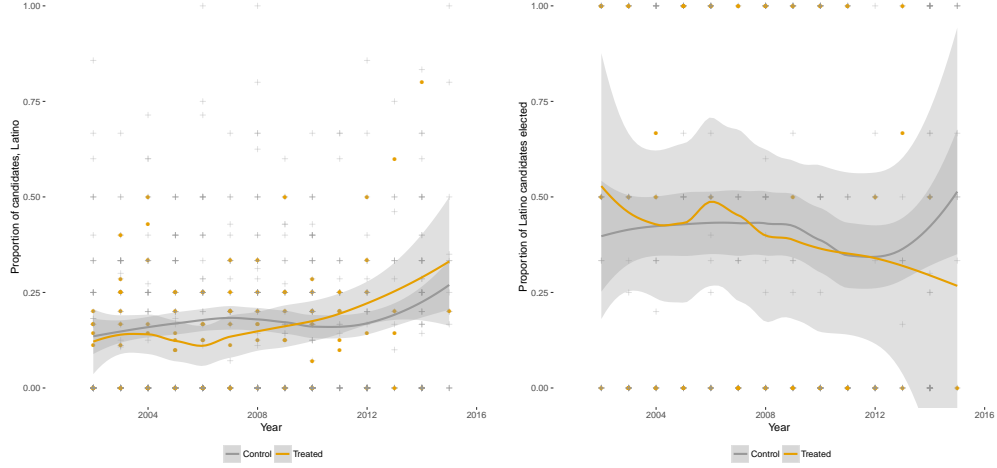
(a) Proportion of vacant seats with Latino candidates

(b) Proportion of vacant seats won by Latino candidates

(c) Vote share to Latino candidates

faced direct legal action, all at-large districts faced an indirect threat, and a much larger number switched voluntarily in order to avoid being targeted altogether. Our second analysis therefore matches districts that converted to single-member systems by any means – be it through legal action, vote, or waiver – to the most similar at-large districts in the same year.

Our panel of matching covariates spans 2002-2015 and covers a rich set of fiscal, demographic, and political characteristics. Our fiscal variables include the property taxes collected in the district; the total current spending on instruction; total revenues from the state and federal government; and total expenditures. We scale all fiscal variables by the total number of students enrolled in the school district, and include enrollment

as an additional matching covariate. Our demographic covariates include the proportion of students that are Black, white, and Asian, that are receiving ELL services and that receive free lunch. Finally, we include the Democratic vote share in the district in the prior presidential election. We construct a balanced panel by imputing missing data using the Amelia II package in R (Honaker *et al.* 2011).

To account for the possibility that the effects of converting from at-large to single-member systems might vary over time, we conduct our analyses within separate strata for each number of years that has passed since conversion, for as long as we have adequate data (up to seven or eight years). For instance, for the first stratum, we define as treated all district-year observations where the district is in its first year of having a trustee system after experiencing a legal threat (for Analysis 1) or by any type of conversion (Analysis 2). The pool of potential controls for a treated district-year is therefore all districts that had at-large systems in the same year. In Analysis 1, we further restrict this pool to districts that the LCCR targeted – those with over 30% Latino populations but less than one-fifth Latino representation on their board, according to Rubin's spreadsheet. We then conduct k-nearest neighbor matching with replacement on the covariates above as measured in the last pre-treatment year, with exact matching on year, using the MatchIt package in R (Ho *et al.* 2011). We select k of 5 using cross-validation, and our results are robust to other choices.

Our matching strategy yields a significant improvement in balance on observable fiscal, demographic, and political characteristics (see Figures 10 - 11 in the Appendix). After matching, we compute the treatment effect on outcomes measured in the year corresponding to each stratum – for instance, for a district that switched in 2003, we compute the treatment effect in 2004 for the first stratum, 2005 for the second, and so on, dropping out control observations as they potentially convert over time. Figures 3-4 present results from Analysis 1 and Figures 5-6 present results from Analysis 2. The number of treated observations in each stratum is displayed in red, above the estimates; this number does not include the k matched controls for each treated observation.

When matching units with a legal threat to other potential targets for litigation (Analysis 1), we find a strong positive, statistically significant effect of conversion on Latino officeholding in the short to medium term. As Figure 3 shows, districts that switched filled, on average, 20 more percentage points of their vacant seats with Latino candidates ($p < 0.05$) in their second year since conversion, an effect that rose to 32 percentage points ($p < 0.01$) in the third year. We do not find strong evidence that this change was driven by an increase in the availability of Latino candidates: we find no effect on this outcome in the second year, and in the third year, we see a 30 percentage point increase in the proportion of races with at least one Latino candidate ($p < 0.06$), but this effect does not quite clear the standard $p < .05$ threshold of statistical significance. We do find some evidence that, rather, the officeholding effect was driven by an increase in the vote share to Latino candidates: in year 3, Latino candidates received, on average, 19 more

percentage points out of the total vote counts ($p < .05$), though no such effect was present in year 2. Overall, the evidence suggests some effect of the single-member institution itself *beyond* the effects of conversion on Latino office-seeking and constituent preferences.

Interestingly, the effects that we find are concentrated in the second and third years since conversion, then dissipate in subsequent years. It is possible that these effects are still present, but we can no longer detect them due to the reduction in sample size as we look at a longer post-treatment period. It is also plausible that the institutional change was most effective when bundled with the media attention and interest group mobilization that accompanied the legal conversion process. In fact, when we expand the sample to all districts that converted to single-member systems, we no longer see any effect of the institutional change on political outcomes. For voluntary switchers that quietly sought waivers from the California Department of Education, the issue of Latino representation was not as prominent in the local media; there were not the same connections made between legal advocates and community organizations, or community organizations and public school leadership; moreover, the districting process was not subject to the same level of external monitoring, so districts that switched voluntarily had more flexibility in how they drew the new boundaries.

We fail to detect any systematic effects of the institutional change on educational outcomes under either matching analysis. For white students, there was no change in graduation rates or dropout rates in any post-treatment year. For Latino students, there was one small, negative statistically significant difference in Latino graduation rates in year four, but given the absence of any discernible pattern in this or other educational outcomes in other years, and given the relatively large number of hypotheses tested, we resist interpreting this as a substantively important effect.

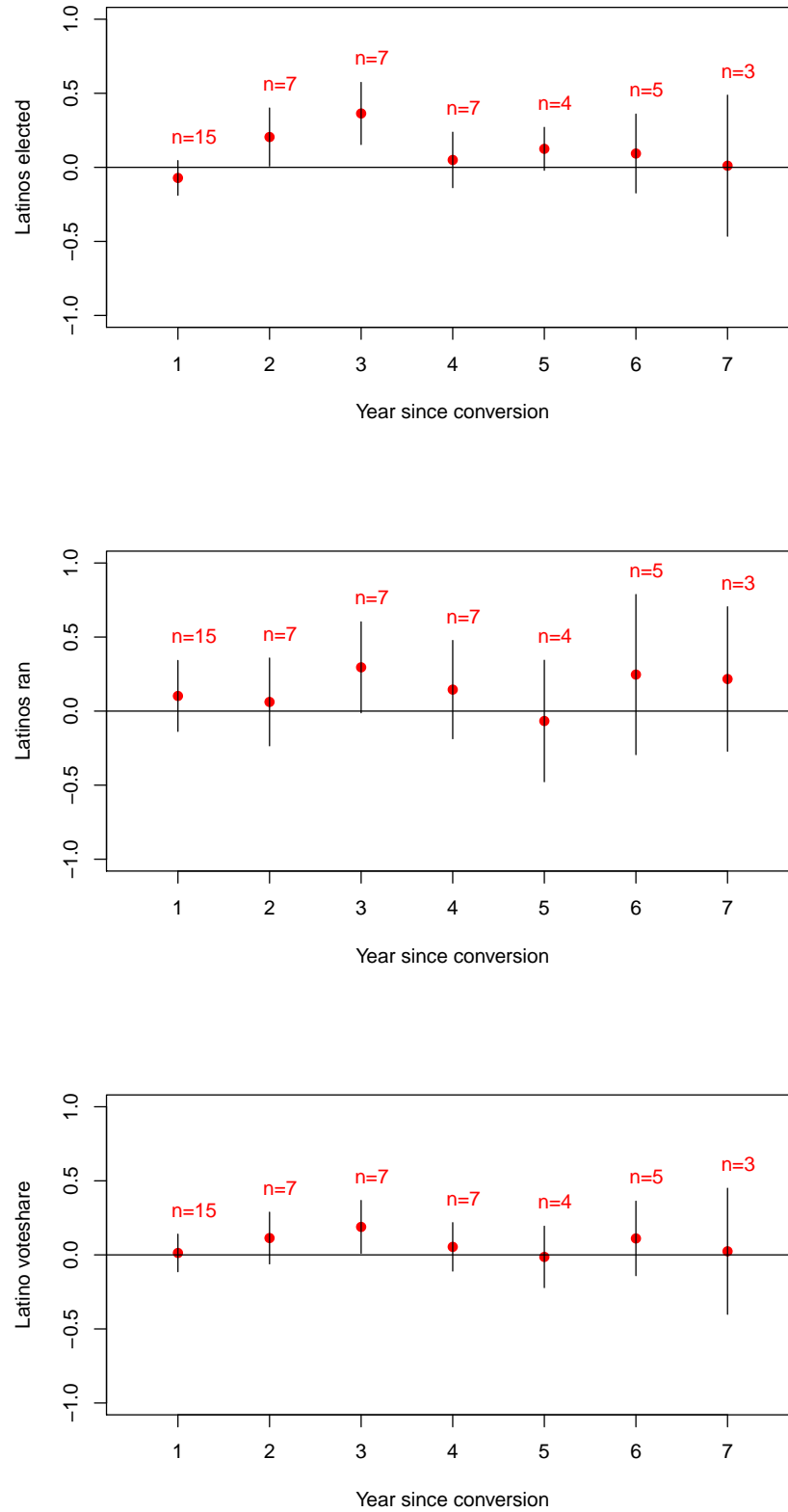Figure 3: Matching, Analysis 1
Political Outcomes

Figure 4: Matching, Analysis 1
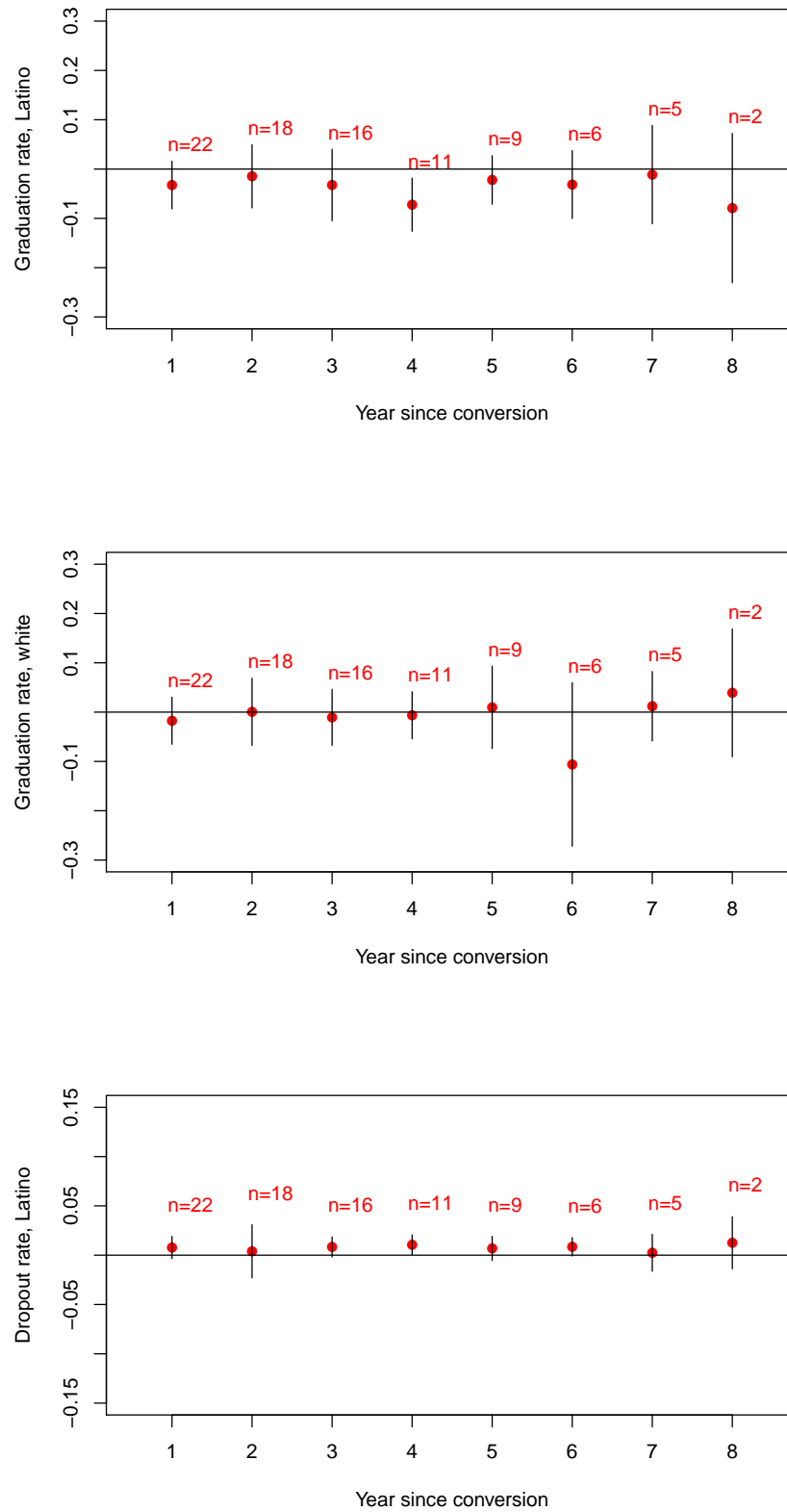Educational Outcomes

Figure 4: Matching, Analysis 1
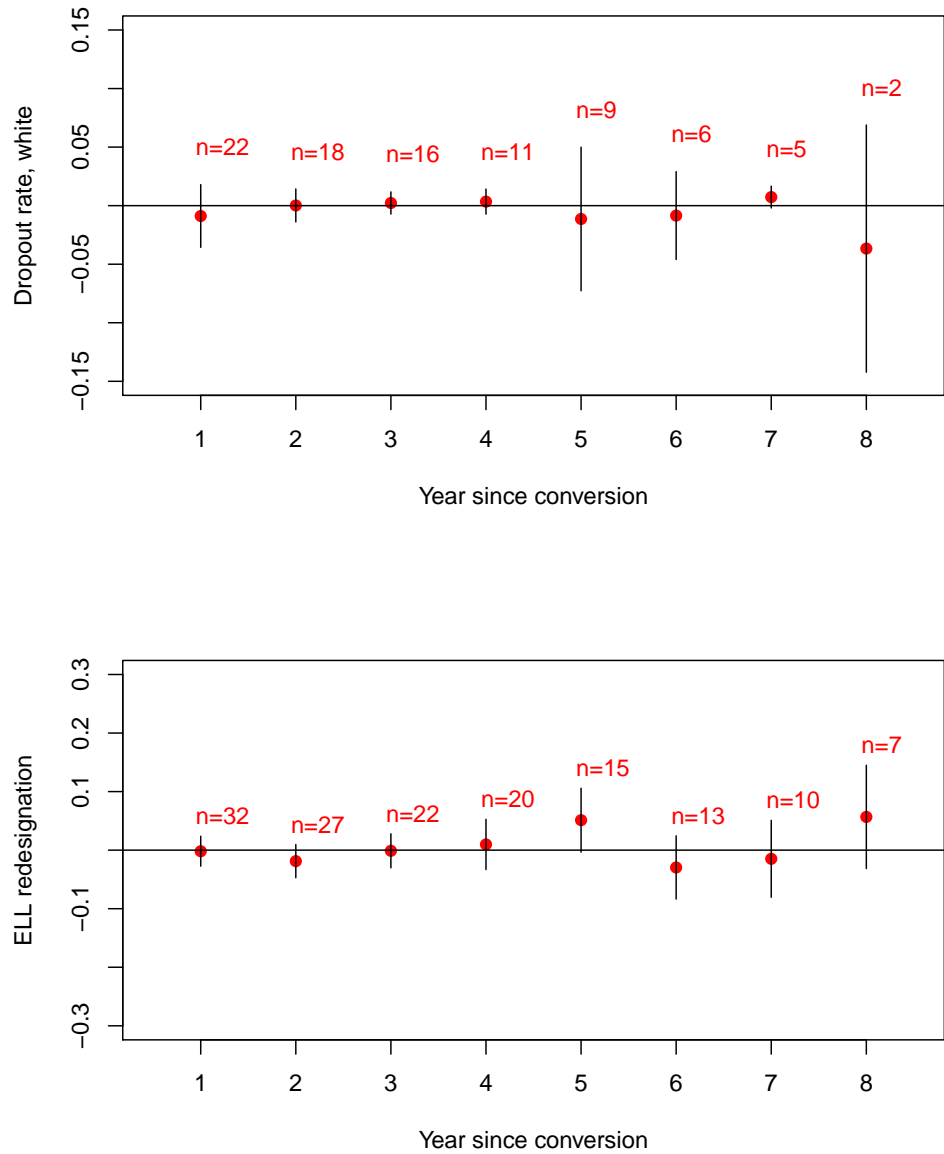Educational Outcomes (Cont'd)
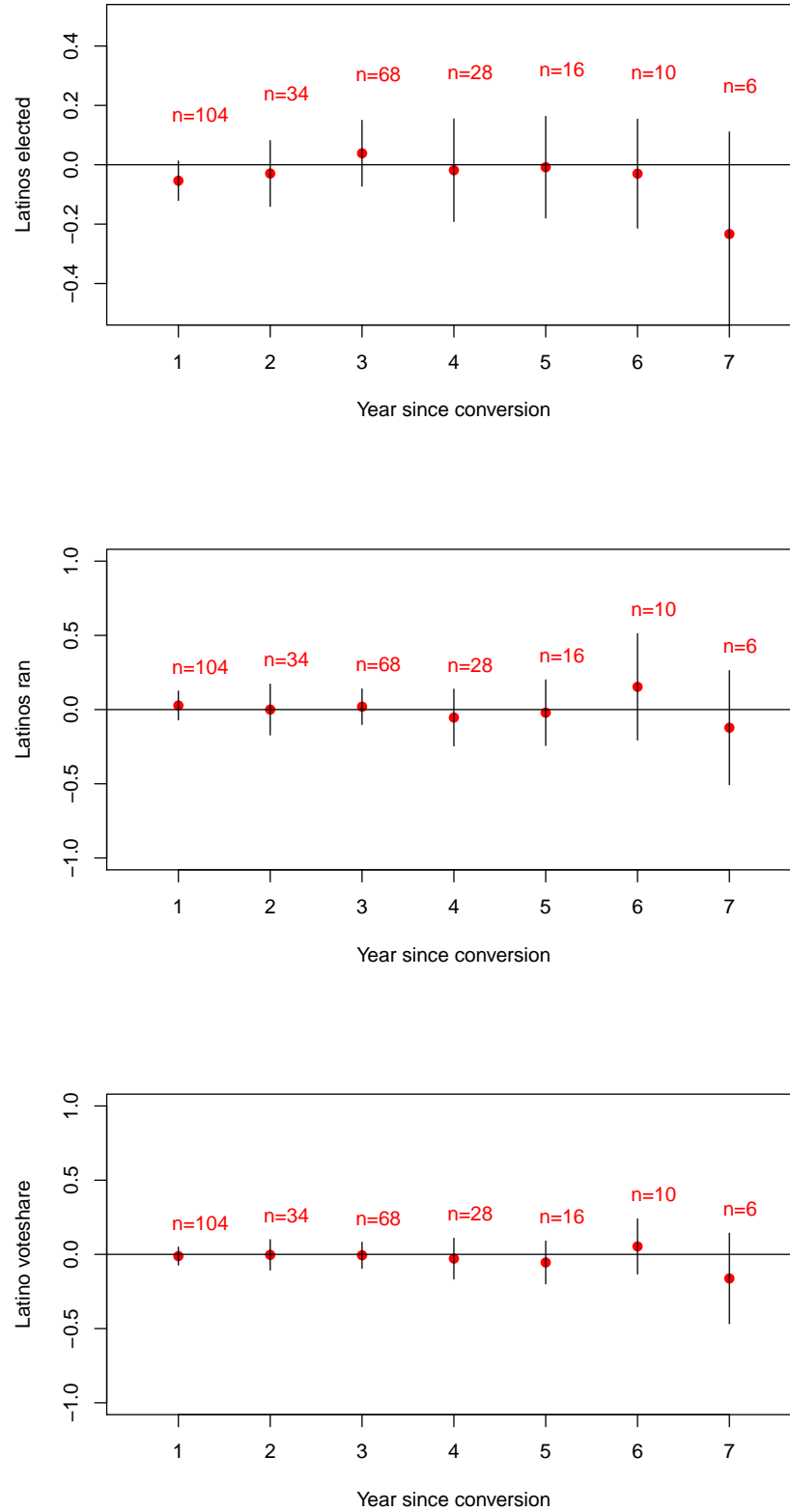
Figure 5: Matching, Analysis 2
Political Outcomes

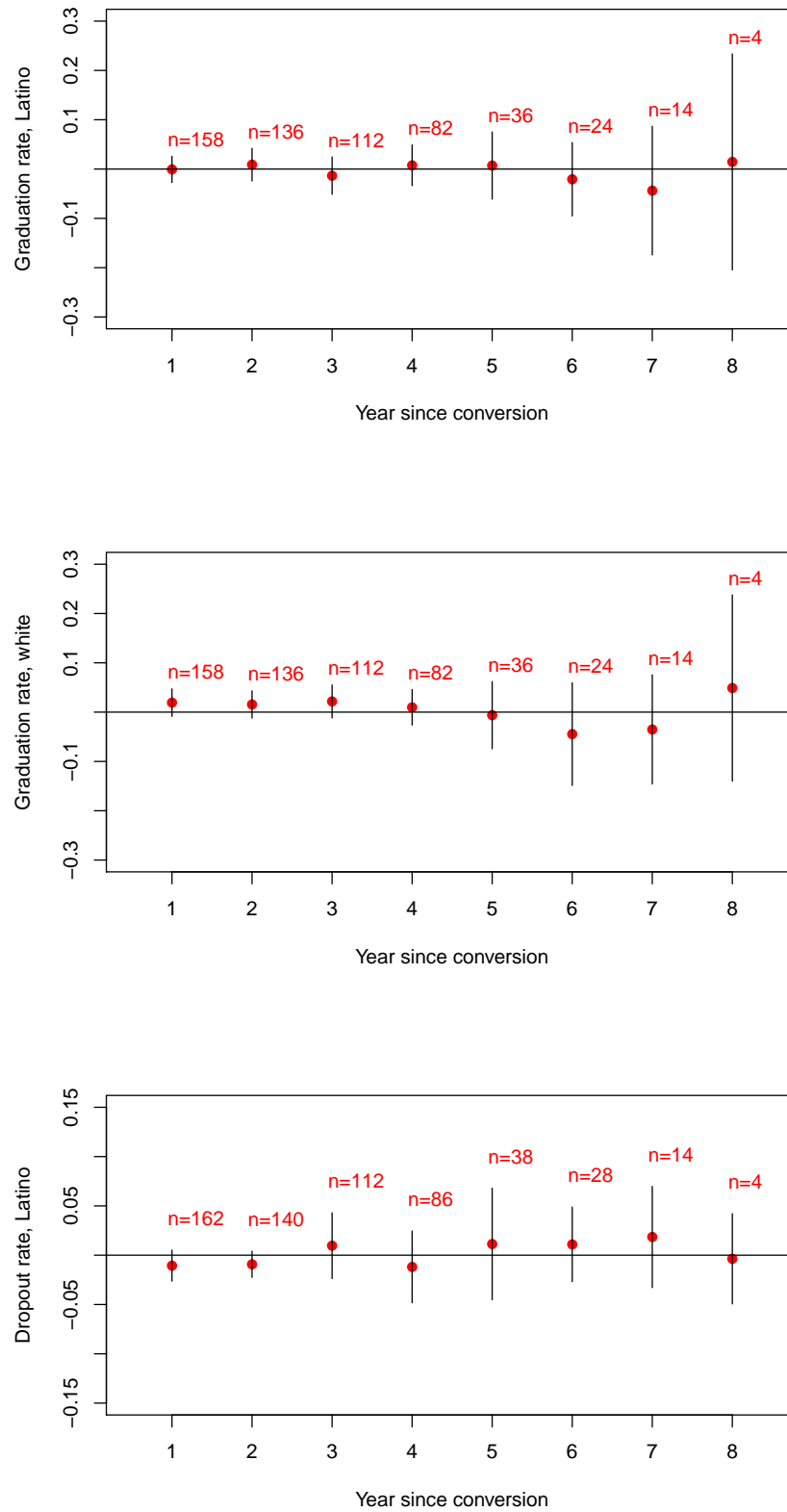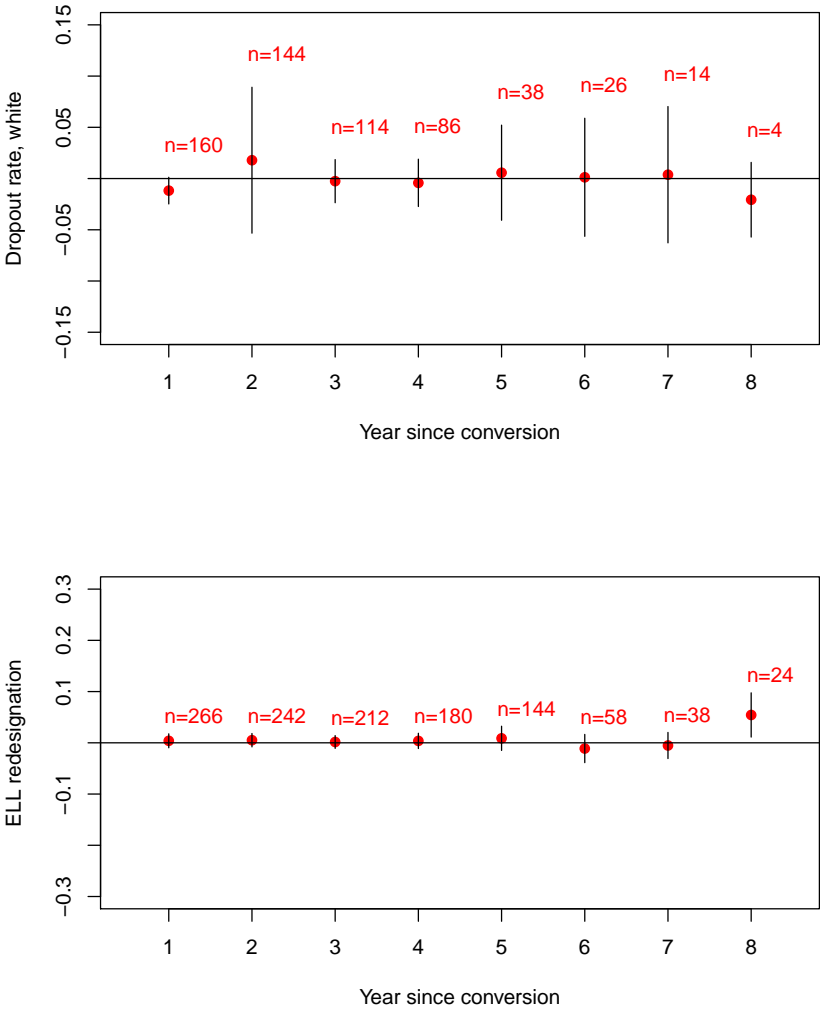Figure 6: Matching, Analysis 2
Educational Outcomes

Figure 6: Matching, Analysis 2
Educational Outcomes (Cont'd)

Instrumental Variables

Our last analysis concerns the effect of voluntary electoral reform on observable outcomes. Whereas our fixed effects analysis focused on the exogenous shock of litigation on Latino political success and our matching analysis studied the impact of all methods of electoral reform on political and educational outcomes, our instrumental variables analysis isolates the causal relationship between voluntary conversion of school districts to by-trustee voting and Latino political performance. We do this by treating the incidence of a legal action being initiated against a nearby school district$_{k_c}$ (within the same county c) as having no direct impact on the success of Latino candidates in district$_{i_c}$ (satisfying the exclusion restriction) but as being a strong predictor of district$_{i_c}$'s decision to pursue its own electoral reform (satisfying the strong first stage requirement). District$_{i_c}$ might choose to convert after observing a legal threat being made against a neighboring school district for a number of reasons but the most salient is likely to be a fear of being targeted soon after. The CVRA was written in such a way that 1) litigation was virtually guaranteed to be successful in forcibly converting school districts, and 2) that the cost of pursuing litigation would be essentially zero for the plaintiff because of the districts' obligation to cover the plaintiff's legal bills. For reform advocates, pursuing litigation is a win-win-win scenario: they are all but guaranteed success, their costs are covered, and the redistricting plan drawn up by the school district or county must be approved by the courts before being implemented. This latter provision guarantees maximal representation for Latinos whereas unsupervised redistricting schemes might very well gerrymander minorities into districts where they have no more political power than they did under the at-large system. On the other hand, if a district can manage to get ahead of what they (rightly) perceive as an impending wave of litigation, they can avoid all of the costs associated with legal action and completely control their redistricting plans, unsupervised by the state.

Table 4 presents the results of the first and second stage regressions using the full sample of school districts (after removing districts that were by-trustee for the entirety of our sample and districts that were directly threatened by civil rights groups via legal action). The instrument utilized in the analysis is a binary indicator of whether the school district resided in a county in which there occurred at least one legal action taken against another school district the year before or anytime prior, while the treatment is voluntary conversion to single-member, ward voting by non-targeted districts. The dependent variables remain the same three political outcomes from the previous sections. Once again, we see that there is no statistical effect on the relevant outcomes. This is depicted visually in the first panel of Figure 7.

Segmenting the sample into those districts with only a minority of Latino students, however, allows us to see that the null effects in Table 4 are the result of not taking into account the fact that by-trustee voting

Table 4: Legal action taken against nearby school district as an instrument for voluntary conversion from at-large to single-member voting, full sample

	First stage	Seats won by Latinos	Latino candidates	Latino voteshare
	(1)	(2)	(3)	(4)
In-county legal threat	0.542***			
	(0.064)			
Voluntary conversion		-0.293	-0.446	-0.406
		(0.411)	(0.433)	(0.379)
Latino students		0.481***	0.775***	0.514***
		(0.082)	(0.085)	(0.073)
Voluntary * Latino students		1.504	1.719	1.497
		(1.301)	(1.379)	(1.151)
Year FE	Yes	Yes	Yes	Yes
Controls	Yes	Yes	Yes	Yes
Observations	2,318	2,311	2,318	2,317
R^2	0.095	0.108	0.323	0.243
F-statistic on instrument	70.6			

Table 4: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported. *p<0.1; **p<0.05; ***p<0.01

will in fact hurt the political prospects of Latinos when they make up a majority of the school district's population. Table 5 displays the results of an analysis looking only at Latino minority districts. The effect of conversion is striking. The second panel of Figure 7 visually shows that moving to a by-trustee area system from an at-large system has a substantive and statistically significant positive impact on the percent of school board seats won by Latino candidates. For example, a district with 40% Latino students will go from Latinos winning an average 10% of vacant school board seats under an at-large system to winning an average 38% of school board seats after conversion to a single-member electoral system - quite close to being 100% representative of the student body. Much, though not all, of the gain appears to come from an increase in Latinos running for office. Under an at-large system, the same district with 40% Latino students would expect to have at least one Latino running for 18% of vacant seats, while that number would jump to 37% under a single-member scheme. This positive impact of electoral reform is relevant for school districts with Latino student enrollment between 26% and 50%, quite close to the 30% threshold identified by reform advocates. Importantly, it appears as though voluntary reforms matter immensely, even though these reforms are implemented with no mandated outside supervision.

Table 5: Legal action taken against nearby school district as an instrument for voluntary conversion from at-large to single-member voting, districts with less than 50% Latinos

	First stage	Seats won by Latinos	Latino candidates	Latino voteshare
	(1)	(2)	(3)	(4)
In-county legal threat	0.989***			
	(0.073)			
Voluntary conversion		-0.334***	-0.337***	-0.336***
		(0.037)	(0.047)	(0.028)
Latino students		0.205***	0.427***	0.205***
		(0.047)	(0.073)	(0.043)
Voluntary * Latino students		1.555***	1.334***	1.553***
		(0.045)	(0.071)	(0.043)
Year FE	Yes	Yes	Yes	Yes
Controls	Yes	Yes	Yes	Yes
Observations	1,440	1,437	1,440	1,439
R^2	0.100	0.005	0.040	0.007
F-statistic on instrument	182.2			

Table 5: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.
*p<0.1; **p<0.05; ***p<0.01

Figure 7: Marginal Effect of Voluntary Conversion to By-Trustee Elections
on Proportion of Seats Won by Latinos
Instrumental Variables Analysis

(a) All Non-Targeted School Districts

(b) Non-Targeted School Districts with < 50% Latinos
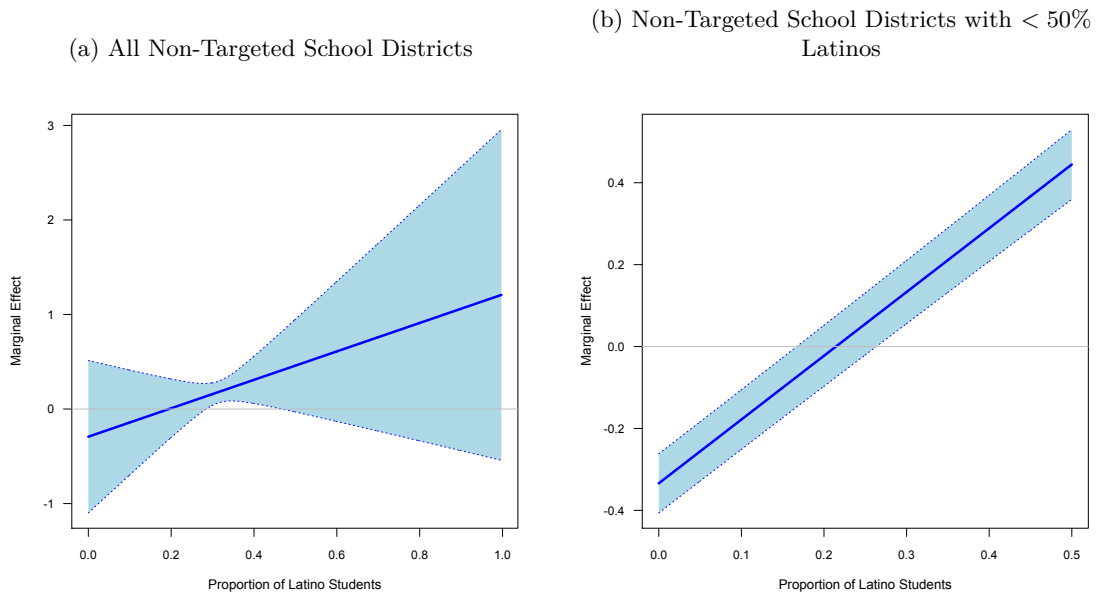
4   Conclusion

Demographic change is not a new political reality in America, but it is quickly becoming one that cannot be ignored. The influx of Latino immigrants into places like California has created a need for a renewed evaluation of their political power and representation, especially as second and third generations begin to take root in traditionally white communities. The research presented in this paper showed, for the first time, that there is a strong causal link between electoral institutions and Latino political success. Specifically, we showed that local school districts that use at-large voting systems in which board members are selected by the entirety of the district fare worse in the descriptive representation of Latinos than those using single-member and ward-based voting: fewer Latinos win elections, fewer Latinos run for office, and fewer votes are cast for Latino candidates. We used a number of different identification strategies - fixed effects models, matching, and instrumental variable analysis - to show that the multitude of mixed findings in the literature is likely a result of failing to properly isolate the causal link between single-member voting districts and Latino descriptive representation. While there is still more work to be done understanding the relationship between electoral institutions and substantive representation, we did not find any effect of voting rules on a number of educational outcomes. At least part of this finding, however, may be a result of the relatively short period of policy implementation that we can possibly study at this time. It is likely true that the graduation and drop-out rates of Latino students, for example, are slow-moving variables that benefit from policy changes only over the long-run. In future years, we should be able to better gauge the long-term policy consequences of improved descriptive representation on local school boards.

Importantly, we found the California Voting Rights Act to have been instrumental in initiating and incentivizing school districts to reform their voting processes and in effecting true improvements in Latino representation. This is despite the fact that 1) the CVRA set an incredibly low bar for demonstrating cases of racially polarized voting and eliminated the requirement that minorities be large enough and geographically concentrated to create a majority district, 2) the federal Voting Rights Act predated the CVRA in pro-actively pursuing instances of minority vote dilution (typically targeting the most egregious of cases), 3) Latinos had to be politically mobilized to take advantage of the electoral reforms, and 4) that most instances of electoral reform under the CVRA took place as voluntary conversions in which the school board or county - and not the state - controlled the redistricting maps. It is truly impressive to see the size and significance of the effects of electoral reform under the CVRA given the seriousness of these countervailing conditions.

References

Cole, Leonard A. 1974. Electing Blacks To Municipal Office. Structural and Social Determinants. *Urban Affairs Review*, **10**(1), 17–39.

Davidson, Chandler, & Korbel, George. 1981. At-Large Elections and Minority-Group Representation: A Re-Examination of Historical and Contemporary Evidence. *The Journal of Politics*, **43**(4), 982–1005.

Engstrom, Richard L., & McDonald, Michael D. 1981. The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship. *The American Political Science Review*, **75**(2), 344–354.

Fleming, Nora. *Districts Abandoning At-Large School Board Elections.* `http://www.edweek.org/ew/articles/2013/02/27/22schoolboards_ep.h32.html`. Accessed: 2017-05-19.

Fraga, Luis Ricardo. 2009. Interests and Representation: Ethnic Advocacy on California School Boards. *Teachers College Record*, **111**(3), 659.

Gobalet, Jeanne G., & Lapkoff, Shelley. 1991. Changing from At Large to District Election of Trustees in Two California Community College Districts: A Study of Contrasts. *Applied Demography*, Fall.

Ho, Daniel E., Imai, Kosuke, King, Gary, & Stuart, Elizabeth A. 2011. MatchIt: Nonparametric Preprocessing for Parametric Causal Inference. *Journal of Statistical Software*, **42**(8), 1–28.

Honaker, James, King, Gary, & Blackwell, Matthew. 2011. Amelia II: A Program for Missing Data. *Journal of Statistical Software*, **45**(7), 1–47.

Karnig, Albert K., & Welch, Susan. 1982. Electoral Structure and Black Representation on City Councils. *Social Science Quarterly*, **63**(1), 99–114.

Leagle. *Gomez v. City of Watsonville.* `http://www.leagle.com/decision/19882270863F2d1407_12072/GOMEZ%20v.%20CITY%20OF%20WATSONVILLE`. Accessed: 2017-05-19.

Leal, David L, Martinez-Ebers, Valerie, & Meier, Kenneth J. 2004. The Politics of Latino Education: The Biases of At-Large Elections. *The Journal of Politics*, **66**(4), 1224–1244.

Lublin, David. 1999. Racial Redistricting and African-American Representation: A Critique of "Do Majority-Minority Districts Maximize Substantive Black Representation in Congress?". *The American Political Science Review*, **93**(1), 183–186.

MacManus, Susan A. 1978. City Council Election Procedures and Minority Representation: Are They Related? *Social Science Quarterly*, **59**(1), 153–161.

Marschall, Melissa J., & Ruhil, Anirudh V. S. 2006. The Pomp of Power: Black Mayoralties in Urban America*. *Social Science Quarterly*, **87**(4), 828–850.

Meier, Kenneth J., & Rutherford, Amanda. 2014. Partisanship, Structure, and Representation: The Puzzle of African American Education Politics. *The American Political Science Review*, **108**(2), 265–280.

Meier, Kenneth J, Juenke, Eric Gonzalez, Wrinkle, Robert D, Polinard, & JL. 2005. Structural Choices and Representational Biases: The Post-Election Color of Representation. *American Journal of Political Science*, **49**(4), 758–768.

Molina Jr., Angel Luis, & Meier, Kenneth J. 2016. Demographic Dreams, Institutional Realities: Election Design and Latino Representation in American Education. *Politics, Groups, and Identities*, 1–18.

Moncrief, Gary F., & Thompson, Joel A. 1992. Electoral Structure and State Legislative Representation: A Research Note. *The Journal of Politics*, **54**(1), 246–256.

Polinard, Jerry L. (ed). 1994. *Electoral Structure and Urban Policy: The Impact on Mexican American Communities.* Bureaucracies, public administration, and public policy. Armonk, NY: M.E. Sharpe.

Robinson, Ted, & England, Robert E. 1981. Black Representation on Central City School Boards Revisited. *Social Science Quarterly*, **62**(3), 495–502.

Sass, Tim R. 1995. The Voting Rights Act, District Elections, and the Success of Black Candidates in Municipal Elections. *Journal of Law & Economics*, **38**(2), 367.

Thornburg v. Gingles. 1986.

Trounstine, Jessica, & Valdini, Melody E. 2008. The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity. *American Journal of Political Science*, **52**(3), 554–569.

Welch, Susan. 1990. The Impact of At-Large Elections on the Representation of Blacks and Hispanics. *The Journal of Politics*, **52**(4), 1050–1076.

Appendix

1. Complaint letter to the city of Garden Grove, CA from the Mexican-American Legal Defense Fund (MALDEF)

2. Resolution from the Lodi Board of Education requesting to bypass districtwide vote to change to by-trustee area elections

3. Waiver request to bypass districtwide vote to establish by-trustee area elections, approved by the State Board of Education

4. Summary statistics

5. Pre-matching balance of educational outcomes

6. Pre- and post-matching balance of control variables

June 3, 2015

Alan Roeden, Interim City Manager
Thomas F. Nixon, City Attorney
Mayor Bao Nguyen
Mayor Pro-Tem Steve Jones
Councilmember Kris Beard
Councilmember Phat Bui
Councilmember Christopher Phan
11222 Acacia Parkway
Garden Grove, California 92840

Re: Garden Grove – District Elections

Dear City Officials,

We have received complaints from Latino citizens and voters in Garden Grove that the use of an at-large city council election system results in Latino vote dilution and prevents Latino voters from electing candidates of their choice. MALDEF has investigated Garden Grove demographic and electoral information with particular attention to the prohibitions of the California Voting Rights Act ("CVRA") of 2001. Based on that investigation, we believe that Garden Grove's at-large election system violates the CVRA and must be changed to a district election system.

The CVRA, which is a part of the California Elections Code, states in relevant part:

§ 14027. [A]n at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgement of the rights and the privileges of members of a protected class.

According to U.S. Census population data, 37% of the population of Garden Grove is Latino. However, none of the five current members of the Garden Grove City Council is Latino, and no Latino candidates have been elected to city council in the last six decades, perhaps longer. Based on our review of election returns, demographic information, and Spanish-surname analysis of votes cast by precinct, we believe that the lack of success of Latino candidates results from persistent racially polarized voting by the Garden Grove electorate. Our methodology for

estimating the extent of racially polarized voting in Garden Grove is consistent with that universally accepted by federal courts, as §14026(e) of the CVRA requires.

The inability of Latino voters to select candidates of their choice is due to racially polarized voting in at-large elections that violate the California Voting Rights Act. We demand that Garden Grove change its at-large system to a district-based system that affords Latino voters an equal opportunity to elect candidates of choice to the Garden Grove City Council.

We request your response by July 3, 2015. In the absence of a satisfactory response, MALDEF and our clients will be forced to seek judicial relief in the form of an action to obtain an order changing the election system from at-large to by-district, together with other relief provided for in the CVRA, including awards of litigation and expert witness costs, and attorneys' fees.

Please contact me with any questions you may have. We would be pleased to discuss the subject of this letter with you.

Sincerely,

Denise Hulett
National Senior Counsel

cc: Zeke Hernandez
        David Rodriguez
        Art Montez

DH:jaa

RESOLUTION NO. 2013-18

**RESOLUTION REQUESTING THAT
COUNTY COMMITTEE ON SCHOOL DISTRICT REORGANIZATON
APPROVE CHANGE TO BY-TRUSTEE AREA ELECTIONS**

<u>WHEREAS</u>, the Lodi Unified School District ("District") currently uses the Education Code section 5030(c) election process to elect its governing board members; and

<u>WHEREAS</u>, Section 5030(c) provides that "each governing board member be elected by the registered voters of the entire school district …, but reside in the trustee area which he or she represents." (See also California Elections Code, section 14026(a)(1)); and

<u>WHEREAS</u>, Board of Education ("Board") Bylaw 9110 currently provides that the District's seven member Board is elected by the qualified voters of the total District; and

<u>WHEREAS</u>, California Education Code sections 5019(a) and 5030 authorize the San Joaquin County Committee on School District Reorganization ("County Committee"), upon application of a school district's governing board, to change the method of election in a school district under its jurisdiction; and

<u>WHEREAS</u>, it is the considered view of the members of the Board that starting with the 2014 Board elections, incorporating the results of the 2010 decennial census data, the public interest will be well-served by election of District Board members in "by-trustee area" elections, i.e., elections in which "one or more members residing in each trustee area [is] elected by the registered voters in that particular trustee area" (California Education Code, section 5030(b)); and

<u>WHEREAS</u>, several school districts in California have been sued or threatened with lawsuit for alleged violations of the California Voting Rights Act (CVRA) by a group that has filed several such lawsuits over the past few years as a result of such Districts' at-large election systems; and

<u>WHEREAS</u>, in an effort to avoid the potential cost, expense and uncertainty inherent in such litigation, the District desires to proceed expeditiously to change its current at-large election system; and

<u>WHEREAS</u>, although Election Code section 5020 requires that a County Committee's resolution approving a change in the method of electing board members must normally be submitted to the electorate for its approval at the District's next regular election, the Board intends to seek a waiver of the voter approval requirement as permitted by law; and

<u>WHEREAS</u>, trustee area boundary adjustments are necessary to ensure that the population of each trustee area is proportional based on federal 2010 census data; and

WHEREAS, the County Superintendent has commissioned and provided to the Board a draft adjusted trustee area boundary plan for the District's consideration (the "Plan") that the Board has considered; and

WHEREAS, the Board has invited and received public input and comment on the Plan in open session on April 2, 2013; and

WHEREAS, the Board desires to adopt the Plan, a copy of which is attached to this Resolution as Exhibit A.

NOW THEREFORE, be it resolved by the Governing Board of Education of the Lodi Unified School District as follows:

1. That the above recitals are true and correct; and

2. The Board hereby proposes the adoption of revised trustee area boundaries based on 2010 census data and adopts the Plan for such purpose; and

3. The Board recommends the Plan to the San Joaquin County Committee on School District Organization for its consideration and approval; and

4. The Board requests that the revised trustee areas be implemented for the 2014 election.

BE IT FURTHER RESOLVED that the Superintendent or her designee are authorized and directed to forward this Resolution to the County Committee and to take all additional steps to facilitate all legally required approvals of the revised trustee areas.

THIS RESOLUTION was passed and adopted by the Board at a regular meeting held on the 16th day of April, 2013, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed and approved by me after its passage.

_____
Ralph Womack, Board President

ATTEST:

_____
George Neely, Clerk of the Board

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

☒ **General Waiver**

SUBJECT
 	
Request by three school districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.
 	
Waiver Numbers:
  Lancaster Elementary School District 21-10-2014
  Sulphur Springs Union Elementary School District 20-10-2014
  Tulelake Basin Joint Unified School District 9-9-2014
	☒ **Action**
	
	☒ **Consent**

SUMMARY OF THE ISSUES

School districts that elect governing board members at-large are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (*EC*), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Lancaster Elementary School District (ESD), the Sulphur Springs Union Elementary School District (UESD), and the Tulelake Basin Joint Unified School District (JUSD) request the California State Board of Education (SBE) to waive the requirement that a by-trustee-area election method be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the respective County Committees.

**Authority for Waiver:** *EC* Section 33050

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends the SBE approve the requests by the Lancaster ESD, the Sulphur Springs UESD, and the Tulelake Basin JUSD to waive *EC* Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve by-trustee-area elections.

Table 6: Summary Statistics

	Full sample		At-large districts		Single-member districts		< 50% Latino districts	
	Mean	S.D	Mean	S.D.	Mean	S.D.	Mean	S.D.
Proportion of board seats won by Latinos	0.180	0.331	0.170	0.291	0.265	0.361	0.074	0.181
Proportion of board seats with Latino candidates	0.319	0.386	0.301	0.377	0.459	0.420	0.153	0.266
Latino voteshare	0.190	0.264	0.179	0.257	0.277	0.300	0.079	0.144
Proportion of students who are Latino	0.421	0.279	0.404	0.277	0.550	0.259	0.239	0.139
Num. obs.	3,762		3,329		433		2,408	

Figure 8: Comparison of Districts with Legal Action to Targeted Districts without Legal Action
Educational Outcomes
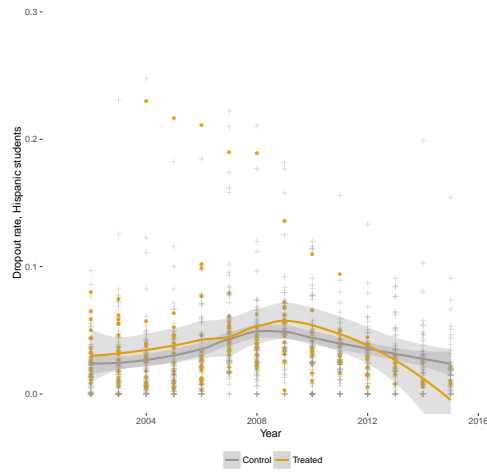
(a) Dropout rate, Latino
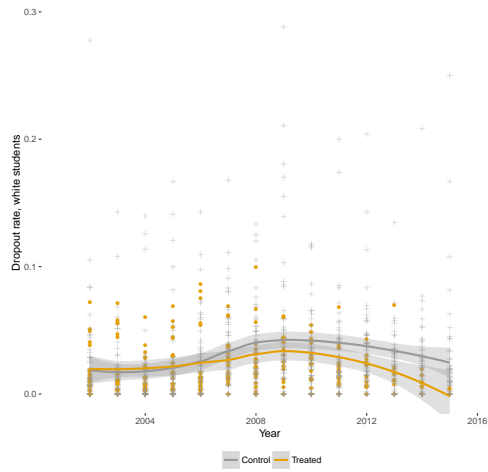
(b) Dropout rate, white
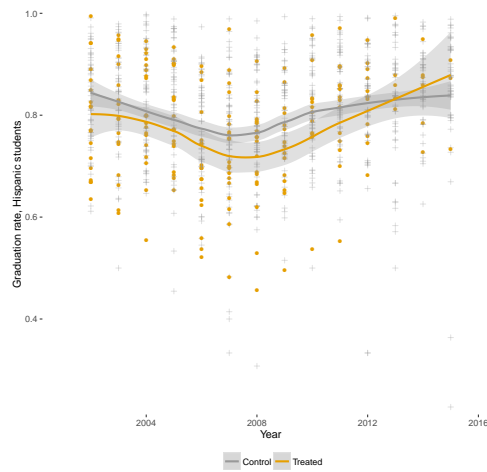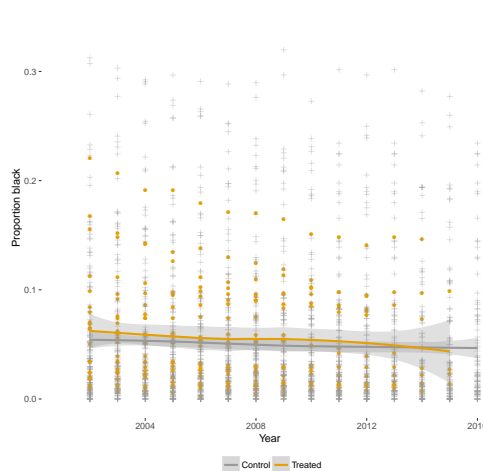
(c) Graduation rate, Latino
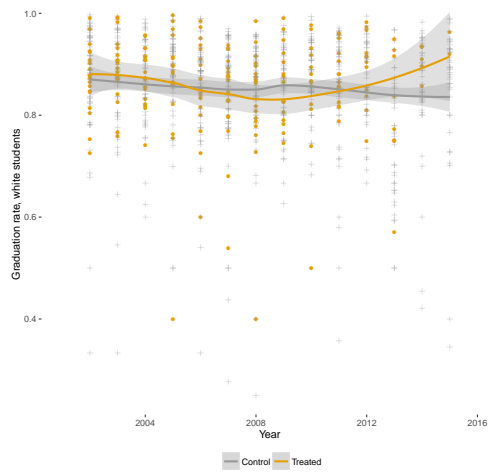
(d) Graduation rate, white
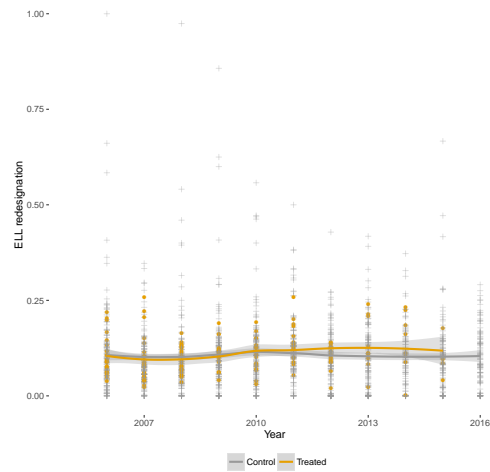
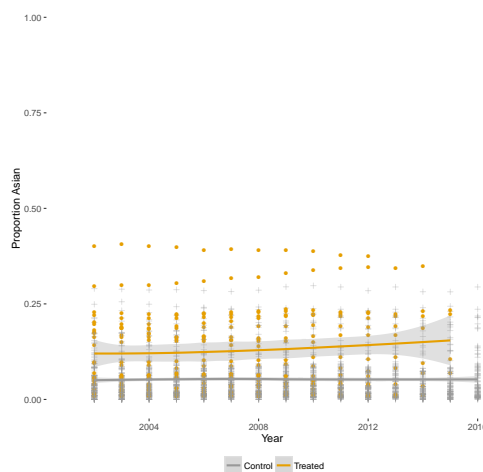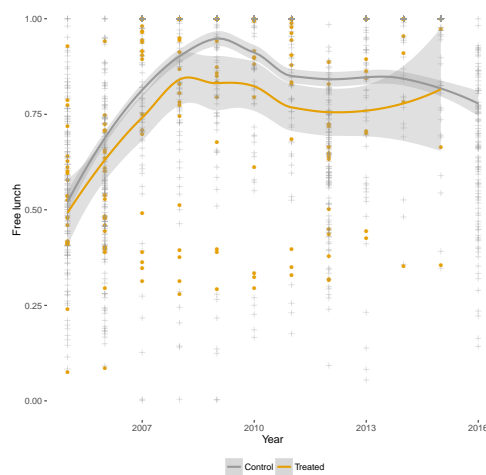(e) Rate of ELL redesignation
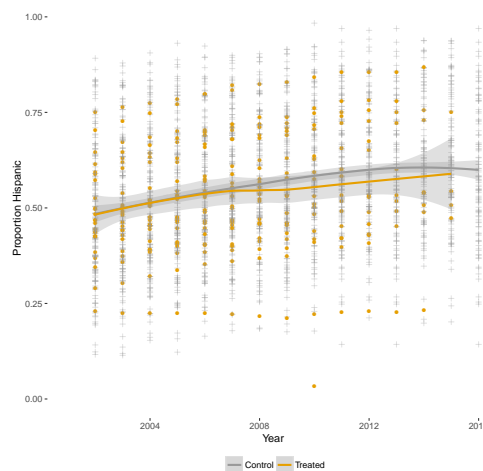
(a) Enrollment, proportion Latino

(b) Enrollment, proportion black
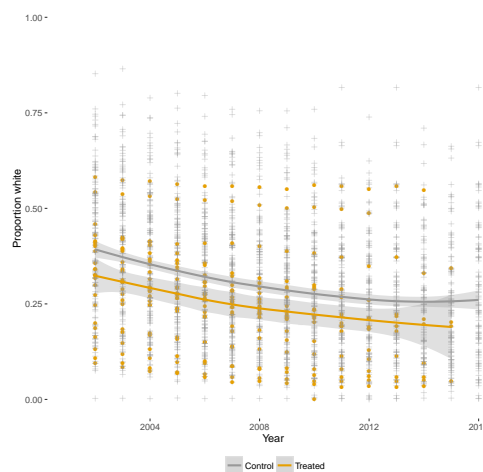
(c) Enrollment, proportion white

(d) Enrollment, proportion Asian

(e) Proportion of enrolled students receiving
free lunch

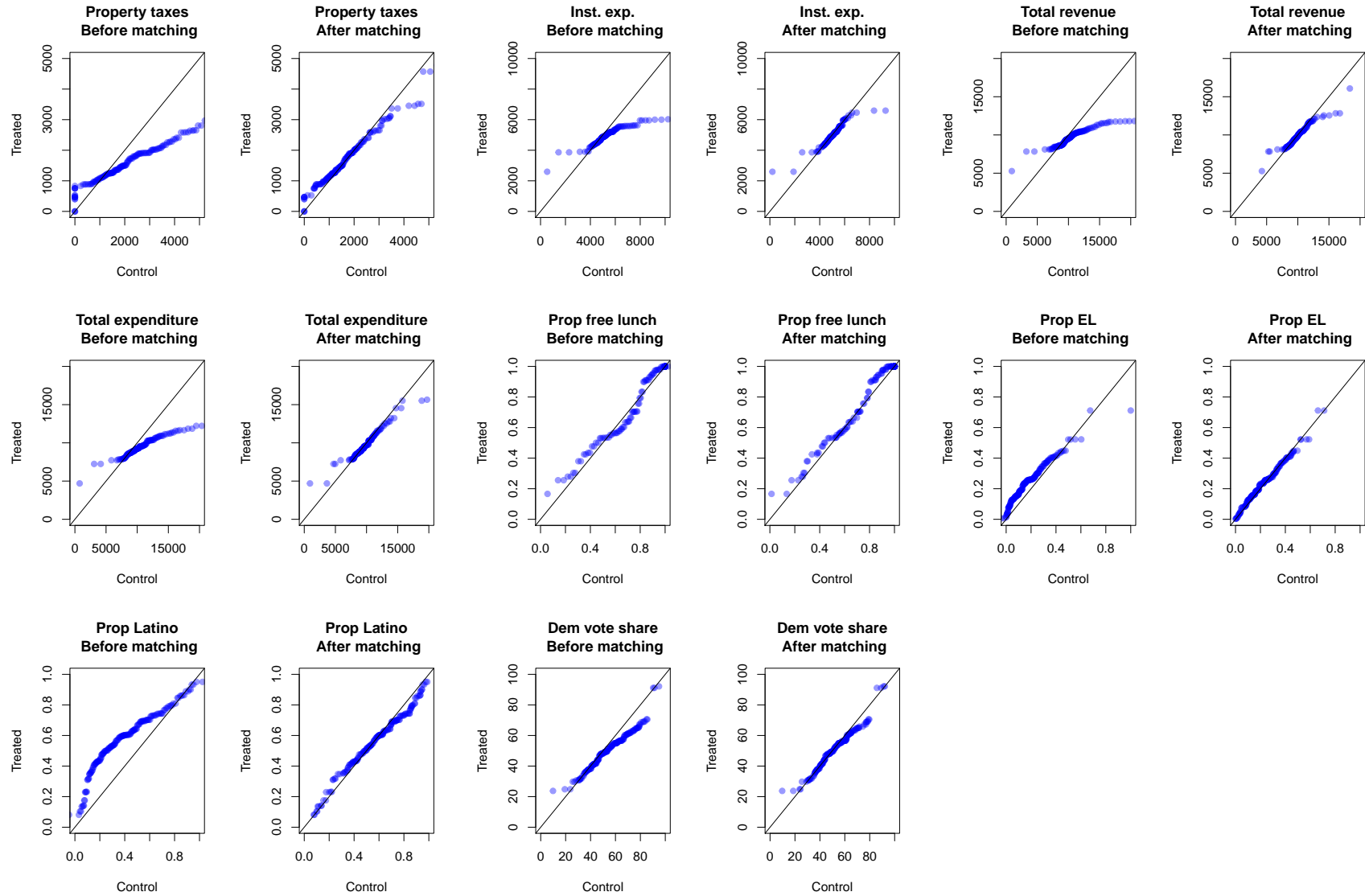Figure 10: Matching Balance, Analysis 2
Educational Outcomes
Year 1

Figure 11: Matching Balance, Analysis 2
Educational Outcomes
Year 2